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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,566	02/19/2002	Yumiko Seki	500.41209X00	1290

24956 7590 07/26/2006

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SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/076,566	Applicant(s) SEKI ET AL.	
	Examiner Neveen Abel-Jalil	Art Unit 2165	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/2/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Remarks***

1. In response to the Amendment filed on May-2-2006, claims 1-12 are pending in this application.
2. In response to applicant's request to not make this action final in consideration of Amended claims submitted with RCE is not persuasive since this set of claims appear to cancel the previous amendments made (with RCE) and produces a different set of claims as such a proper Final can be made.

### ***Claim Objections***

3. Claims 1-12 are objected to because of the following informalities:  
Claims 1-2, 4, 6, 8, and 9 recite "by using", "so as to", "so that", and "thereby" in various parts which constitutes intended use making the functionality following not carry any patentable weight since it never actually has to take place. Claims should be amended to recite more direct and positive language such as "by", "is", "reducing", "in", "of", or "that". Correction is required.

All dependent claims start with the recitation "A retrieval device according to claim 1" which is improper. Dependent claims should recite the elements of the Independent claims by stating "The retrieval device according to claim 1" as to avoid having lack of antecedent basis. Correction is required.

Art Unit: 2165

Claim 5, appears to be directed to a method for performing the invention while it is dependent on a claim 1 which is directed to retrieval device in a system without any mention of a method thus failing to set forth the subject matter which applicant(s) regard as their invention.

Claims 5, line 4, and 7, line 4, recite “information freshness” which indefinite for failing to point out in the claim what is meant or what constitute the freshness measure? It is a subjective use of the term. Is the freshness measured based on time or date or preference? Clarification is required.

Claim 5, line 6, recite “new retrieval from original data” without any prior disclosure of what constitute original data and without any mention of what is meant by “new retrieval”? Is a new retrieval request? Or a new retrieval result? Correction is required.

Claim 6, line 7, recite “thus modified said retrieval” which is vague and indefinite since it is unclear what is being referenced here? What is being edited and what is being sent? Clarification is required.

Claim 6, line 8, recite “said requests” which lack antecedent basis. Correction is required.

Art Unit: 2165

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Korolev et al. (U.S. Patent No. 6,438,539 B1).

As to claim 1, Korolev et al. discloses a retrieval device in a system having computers and databases connected to one another, comprising:

a retrieval reservation registering unit, said retrieval reservation registering unit registering retrieval key requests issued by users (See Korolev et al. column 13, lines 36-55);

repetition eliminating unit, said repetition eliminating unit eliminating repetitions of said retrieval key requests requested in differing said retrieval key requests in accordance with pre-stored rules to generate a repetition free retrieval key request to thereby reduce a number of retrieval key requests (See Korolev et al. column 9, lines 40-54, wherein if the search strategy is already stored in the table, then the query is ran using that existing search strategy);

a retrieval device unit, said retrieval device unit retrieving information from the databases on the basis of contents of said repetition free retrieval key request to obtain

Art Unit: 2165

retrieval results (See Korolev et al. column 13, lines 56-67, wherein the agent deemed to include repetition free search requests stored); and

an output creating unit, said output creating unit creating, on the basis of the retrieval key requests issued by the users and said retrieval results, retrieval results data to be sent to said users when information is retrieved from said databases (See Korolev et al. column 14, lines 18-33).

As to claim 7, Korolev et al. discloses wherein said retrieval device unit acquires or sends retrieval results in accordance with said retrieval key requests at predetermined intervals of time on the basis of predetermined information freshness (See Korolev et al. column 12, lines 48-62, wherein “crawler” inheritably does periodic searches).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-6, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korolev et al. (U.S. Patent No. 6,438,539 B1) in view of Himmel et al. (U.S. Patent No. 6,237,035 B1).

Art Unit: 2165

As to claim 2, Korolev et al. does not teach wherein in said retrieval reservation registering unit, repetitions are checked and eliminated in said retrieval key requests which exist at present and in the past so as to create the repetition free key request.

Himmel et al. teaches wherein in said retrieval reservation registering unit, duplicates are checked and eliminated in said retrieval requests which exist at present and in the past so as to create the repetition free key request (See Himmel et al. column 8, lines 7-15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include wherein in said retrieval reservation registering unit, repetitions are checked and eliminated in said retrieval key requests which exist at present and in the past so as to create the repetition free key request since it was known in the art that keeping tracked of all duplicate records and requests and eliminating them allows for database optimization and better performance.

As to claim 3, Korolev et al. as modified discloses wherein said retrieval device unit edits said retrieval results data according to a predetermined format that is specific to each user by checking repetitions of the retrieval key requests issued by users respectively and sends said edited retrieval results data to said users respectively on the basis of retrieval key requests desired by said users, said retrieval results data being acquired on the basis of said repetition free retrieval key request (See Himmel et al. column 8, lines 7-15, also see Himmel et al. column 1, lines 47-55, prior art).

Art Unit: 2165

As to claim 4, Korolev et al. as modified discloses wherein upon editing of said retrieval results by user, said retrieval device unit eliminates repetitions in contents from said retrieval results desired by each of said users when there are said repetitions in contents of said retrieval results, so that said retrieval device unit sends the edited content repetition free retrieval results data to said user (See Himmel et al. column 6, lines 1-15).

As to claim 5, Korolev et al. as modified discloses comprising a method in which at least one previously retrieved result is held in said retrieval reservation registration registering unit, so that, when a user issues a retrieval request, said user selects on a basis of information freshness desired by the user to acquire a retrieval result from said held at least one previously retrieved result retrieved among a predetermined time interval or to execute a new retrieval from original data (See Himmel et al. column 5, lines 44-67).

As to claim 6, Korolev et al. as modified discloses wherein when there are repetitions in retrieval key requests among users and said repetitions are eliminated to thereby acquire said retrieval results, said retrieval device unit makes, on the basis of retrieval, copies of said retrieval results, eliminates repetitions in said retrieval results by each of the users, and sends thus modified said retrieval results to said respective users issuing said requests for said retrieval results data (See Korolev et al. column 13, lines 50-55, and see Korolev et al. column 18, lines 30-44).



Art Unit: 2165

8. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korolev et al. (U.S. Patent No. 6,438,539 B1) in view of Guha (U.S. Patent No. 6,081,805).

As to claims 8-12, Korolev et al. discloses a retrieval method in a system having computers and databases connected to one another, comprising:

registering retrieval key requests issued by users (See Korolev et al. column 13, lines 36-55);

creating a repetition free retrieval key request by eliminating repetitions in said retrieval key request to acquire retrieval results (See Korolev et al. column 9, lines 40-54, wherein if the search strategy is already stored in the table, then the query is ran using that existing search strategy);

retrieving information from said databases by using said repetition free retrieval key request to acquire retrieval results (See Korolev et al. column 13, lines 56-67, wherein the agent deemed to include repetition free search requests stored);

generating repetitions of retrieval results from said acquired retrieval results (See Korolev et al. column 14, lines 41-47, wherein the agent deemed to include repetition free search requests stored).

Korolev et al. does not teach editing said repetitions of retrieval results on the basis of said retrieval key requests; and

creating a repetition free retrieval result by eliminating repetitions from said retrieval results to be sent to each of said users on the basis of similarity between contents of said retrieval results.

Art Unit: 2165

Guha teaches editing said repetitions of retrieval results on the basis of said retrieval key requests (See Guha column 5, lines 16-25); and creating a repetition free retrieval result by eliminating repetitions from said retrieval results to be sent to each of said users on the basis of similarity between contents of said retrieval results (See Guha column 4, lines 40-45, and see Guha column 5, lines 43-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include editing said repetitions of retrieval results on the basis of said retrieval key requests; and creating a repetition free retrieval result by eliminating repetitions from said retrieval results to be sent to each of said users on the basis of similarity between contents of said retrieval results because it provides for faster access to results and less memory processing.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2165

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-Form 892 for List of Cited References.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2165

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil  
July 24, 2006



**SAM RIMELL**  
**PRIMARY EXAMINER**